

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EATONI ERGONOMICS, INC.,

Plaintiff,

- against -

Civil Action No.  
08 Civ. 10079 (WHP)

RESEARCH IN MOTION CORP. and  
RESEARCH IN MOTION LIMITED,

Defendants.

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**Eatoni's Notice of Motion for Reconsideration**

PLEASE TAKE NOTICE that, upon the annexed exhibits which are verified as true and correct by the June 15, 2011 certification of Eric W. Berry, and plaintiff Eatoni Ergonomics, Inc.'s accompanying June 15, 2011 memorandum of law, Eatoni will move before this Court, at the Sen. Daniel P. Moynihan Federal Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Fed. R. Civ. P. 60(b) and Local Rule 6.3, granting reconsideration of that portion of the June 1, 2011 Memorandum and Order of this Court which denied Eatoni's motion to vacate an award entered on June 8, 2010 in the arbitration between the parties, and upon reconsideration, an order vacating the 2010 Arbitration Award.

Dated: New York, New York  
June 15, 2011

Berry Law PLLC

By:   
Eric Berry [EB8598]

*Attorneys for plaintiff Eatoni  
Ergonomics, Inc.*

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To: Kirkland & Ellis, LLP  
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### Certification of Exhibits

Eric W. Berry, an attorney admitted to the Bar of this Court, hereby certifies pursuant to 28 U.S.C. §1746 that the following Exhibits are true and correct copies of documentary evidence previously submitted to this Court in support of Eatoni's September 8, 2010 motion to vacate the 2010 arbitration award between the parties:

1. The Memorandum and Order, dated June 1, 2011, of the Hon. William H. Pauley, III, U.S.D.J., in this action.
2. The arbitration award entered on June 8, 2010 by Robert B. Davidson, Esq., in the dispute between the parties.
3. Email from Jason Griffin to Howard Gutowitz, dated July 25, 2007.
4. Email from Jason Griffin to Howard Gutowitz, dated July 27, 2007.
5. Email from Jason Griffin to Howard Gutowitz, dated August 2, 2007.
6. Email from Jason Griffin to Howard Gutowitz, dated August 8, 2007.
7. Excerpts from the testimony in the 2009 Arbitration between the parties.
8. Eatoni's post hearing brief, filed with JAMS on February 2, 2009.
9. Eatoni's post hearing reply, filed with JAMS on February 25, 2009.
10. The Mediation Term Sheet, executed by the parties on September 26, 2005.
11. The arbitration award entered on March 28, 2008 by Robert B. Davidson, Esq., in the dispute between the parties.

Dated: New York, New York  
June 15, 2011

  
Eric W. Berry